

6.15.15 Conservation Commission Minutes

Minutes of the Taunton Conservation Commission June 15, 2015

Present: Chair Steven Turner, Vice Chair Neil Kelly, Commissioners Marla Isaac, Debra Botellio, Ernest Enos, Renwick Chapman, and Luis Freitas.

Motion to approve the minutes of May meeting, LF, second NK, so voted.

Motion to go out of order to hear Cub Scout Noah Burke, LF, second DB, so voted.

Noah would like to do work at Boyden on the 3 flag poles. His plan is to remove, move them to the side of the building instead.

They will be visible from the road. Noah plans to remove them, sand, paint, put back with something at the base such as rock/mulch and lights to illuminate. They are here at TCC first, next step is meet with City Council, and then begin collecting materials. He will reuse what he can and if not work on getting donations. DB asked if he has spoken with Friends of Boyden? Yes, DB said work with them they have funds to help. Motion to approve project and keep the TCC up to date, DB, second MI, so voted.

Motion to revert back to the regular order of business, MI, second NK, so voted.

Continued COC

- 155 Duffy Drive, Butterfield, (COC), SE73-2464 Present John Delano, Kim Butterfield and Christian Butterfield. They have created a buffer strip, planted trees, filled in the 25ft buffer back to what it was. Enhanced the bank behind the pool fence with ivy. The owner has been working with Wells Fargo on the house next door. The house is in foreclosure and she is trying to buy a strip of land to add to her property. Kim Butterfield owner stated that she is hoping to request a COC on the pool side while they wait on the other side. She tried to buy directly from the owners but that did not work out so now she is working with the bank. MR continue it or could do a partial COC, but TCC does not normally do that. ST if continued is that going to be an issue for the home owner? No it is fine with her. MR what would you need 3 months or maybe 6? MR does want her to know she is not in trouble because it is being continued. RC when they come back he wants an updated As-Built Plan, show the changes on the new plan. Motion to continue to September 14, 2015 with a new plan, DB, second MI, so voted.

(NK out)

Certificate of Compliance

- Harris Street, COT-DPW, (COC), SE73-2240 Field report states that this project, by the COT DPW, was for a sewer and road improvement project on Harris Street. The work was at the end of the street, and included a grinder pump, 1 ¼ " HDPE at 48", roadwork, plunge pool, and level spreader invert. A portion of the floodplain was filled for the cul-de-sac and a new area of compensatory storage was created to the east of the project, adjacent to the detention basin for the Elizabeth Pole Elementary School. All work has been completed in significant compliance to the order of conditions issued on 2-6-07. MR recommends that the TCC issue a COC for this project. Motion to approve, RC, second MI, so voted.
- 27 Laneway Street, Smith, (COC), SE73-2508 Aaron Smith home owner present. Field report states this project was for the repair and maintenance of the Segreganset River Dame, including tree removal and installation of granite blocks to prevent erosion. The actions that were recommended to address the above deficiencies were:

- to remove trees along the downstream slope:
- to remove vegetation along the upstream and downstream slope;
- repair concrete at the spillway training walls and bridge piers;
- install erosion protection along the upstream and downstream waterlines; and
- to do additional studies, evaluations, maintenance and repairs.

Work that was done in accordance with DCR requirements were:

- add gravel and ¾ inch processed asphalt to the 48-foot southeast wall;
- under low water conditions
 - northeast 26-foot wall:
 - level platform for granite blocks
 - install blocks
 - backfill area between new blocks and road with gravel and ¾ inch processed asphalt;
- repair/replace south bridge abutments in spillway;
- repair concrete deck on spillway;
- establish vegetation on the southwest embankment beyond the new wall; and
- remove pine boughs on south side water's edge due to tree damage.

In addition to the above repairs, Pare Engineering recommends yearly and recurrent Maintenance of the dam. The recommendations include regular monitoring and inspection

Of the dam and appurtenant structures with formal inspections every 10 years; and regular maintenance to control and prevent further growth of unwanted vegetation. All work has been completed in significant compliance to the order of conditions, recommendations of DCR, and recommendations of Pare Engineering. MR recommends. That the additional maintenance requirements stated above remain in perpetuity. Motion to approve with conditions that MR stated in above report, RC, second DB, so voted.

- 91 Field Street, Pacheco/Kim-Nel, (COC), SE73-2571 Field report states that this project was to replace a failed septic system in accordance with Title V and a bituminous concrete driveway to replace the existing gravel drive. All work has been complete in significant compliance to the order of conditions issued on 3/12/14. There is no indication of any siltation in the wetlands and all areas are stable. MR recommends that the TCC issue a COC for this project. Motion to approve, RC, second MI, so voted.

Public Meeting

- 25 Smith Avenue, Medeiros, (RDA), DSE-1104 Field report states that this project is to allow the applicant to cut down ten diseased trees on her property and within the 100 foot buffer zone of a BVW. Four of the trees are within 20 feet of the wetland, with the other six 30 to 89 feet from the BVW. MI and MR went out to the property to look at and assess the trees after Marla received a call complaining that the trees were being cut. Upon inspection it was determined that the trees on the plan were all diseased, infested with ants, and leaning dangerously toward the house and lawn of the applicant. In May, the applicant met with the commission to discuss the problem and it was determined that she could cut down the trees and submit an after-the-fact RDA. MR reviewed the work on 6/8/15 and found all work to be done without any intrusion into the wetland. MR recommends that the TCC issue a negative determination for this project. Motion to open, DB, RC second so voted. 4 trees were planted. Motion to issue a negative determination, RC, second DB, so voted.
- 85 Worcester Street, McGrath, (RDA), DSE-1105 Field report states that this project is to allow the applicant to cut down then diseased and/or dead trees on the property and within the 100 foot buffer zone of a BVW. The future work also includes extending the deck to the right (south) edge of the house, and a patio (location to be determined). Four of the trees are 15-25 feet from the wetland, with the other six at least 50 feet from the BVW. MR went out to the property to look at and asses the trees after she received a call complaining that trees were being cut. Upon inspection it was determined that the trees on the plan were all diseased, dead/dying, and leaning dangerously toward the house and lawn of the applicant. In May, the applicant met with the commission to discuss the problem and it was determined that he could cut down the trees and submit an after-the fact RDA. MR reviewed the work on 6/9/15 and found all work to be done without any intrusion into the wetland. MR recommends that the TCC issue a negative determination for this

project. Motion to open, DB, second RC, so voted. Present John McGrath and Rosemary McGrath, homeowner and his daughter. RC deck and patio are done? No in the future. RC extending the deck along the back of house? Going off the side, will be 51 feet from the wetland line. RC extending to the right passed the house? No further 10ft x 10ft roughly.

Patio work? Not now in the future. MR originally to the north side where three trees are, to left of the driveway, tentatively. RC in favor of negative determination for clearing of trees and deck, not including the patio. ST ok put on plan now if you know where. MR closest would be 79 feet from the wetland, once drawn in. RC include patio as long as it is not any closer than 75 feet to the wetlands. Motion to issue a negative determination and include work on the deck and patio, patio no closer than 75 feet to wetland, notify MR when patio work to be done, RC, second DB, so voted.

- 1255 Norton Avenue, Thomas, (RDA), DSE-1106 Field report states that this project is for the construction of a 16 foot diameter above ground pool within the 100 foot buffer zone of a wetland and intermittent stream. The pool will be located in an area between two trees, which is already an established lawn area. The intermittent stream passes within 17 feet of the proposed location, which is a relatively flat area. The pool, as presented, should not pose any threat to the stream as long as a cartridge filter is used and that pool water, if/when emptied, is allowed to flow over the lawn prior to entering the streambed. MR recommends that the TCC issue a negative determination to include the attached special conditions for this project. Motion to open, DB, second RC, so voted. Motion to issue a negative determination provided no deck on pool and no plantings or anything around it with conditions 1, 2, 20, 21, and 22, RC, second DB, so voted.
- 150 Shagbark Road, Gamble, (RDA), DSE-1107 Field report states this project is for a septic system replacement to include the decommissioning of the existing system, installation of a 1500 gallon septic tank, leaching field, and associated grading. The wetlands were delineated by Earth Services Corp. on 6/14/15. MR reviewed the wetland line and agrees with the location of flags, WF1-WF5. The new septic system will be in the same location in the front of the house, and the existing maple tree will be removed. A siltation barrier is depicted on the plan on each side of the work area. The work as depicted should not negatively impact the adjacent wetland, therefore, MR recommends that the TCC approve the project and issue a negative determination to include the attached special conditions. MR also recommends approval of the wetland line WF2-WF5 with WF1 for reference purposes only. Motion to open, DB, second MI, so voted. Susan Gamble present, homeowner Motion to issue a negative determination, erosion control complies with plan, with conditions 1, 2, 3, 4, 14, 18, and 19, RC, second DB, so voted.
- 15 Devon Street, Gallerani, (RDA), DSE1108 Field report states that this project is to construct a 30' x 14' deck to replace the existing 12' x 14' deck within the 100 ft buffer zone of a BVW. The BVW was delineated when the Nickerson Farms subdivision was built. Because of the topography of the land, the line has not changed over time. On the site visit, MR measured the distance from the BVW to the edge of the deck at 52 feet. The supports will be on sonotubes and holes will be dug by hand. The work as depicted should not negatively impact the adjacent wetland, therefore, MR recommends that the TCC approve the project and issue a negative determination to include the attached special conditions. Stephen and Stacey Gallerani present. RC wetland lines accurate? MR yes it's the As-Built Plan. Lawn there now? Yes. Motion to issue a negative determination with special conditions 1, 2, 3, 4, and 18, RC, second MI, so voted.

(RC out)

Continued Public Hearing

- Pioneer Way, Martignetti Companies/Crandall, (NOI), SE73-2608 Present Dave Partridge Tighe & Bond, Marissa Nesbitt BSC, Mathew Costa Gay & Gay, Hank ? Construction foreman for Martignetti Co., and Taylor Dowdy BSC. Two times a year go out and check it. Revised embankment design will be submitted by BSC showing 10 feet, asked it be part of the conditions. 1 foot of free board, agreed 10 feet wide. Hank asked regarding the two times per year monitoring? Cap it? ST after 3 years bring it down to 1 time a year. Motion to approve with special conditions 1, 2, 3, 4, 5, 6, 7, 9, 11, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28-inspection for erosion 2 times a year for three years, 1 time per year after, 29-revise top of basin 1ft freeboard and 10ft wide, MI, second LF, DB voted present.
- S. Precinct Street (Lot 5), Malloch Construction/Malloch, (NOI), SE73-2614 Field report states that this project is for the construction of a single family home with septic system, utilities, driveway and associated grading within the 100 foot buffer zone of a BVW. The wetland was delineated by Walter Hewitson on 4/7/14. MR reviewed the wetland delineation

on 4/29/15 and agrees with the placement of the flags. This is not an area within the NHESP, nor is it within the ACEC. A majority of the work will occur within the 100 foot buffer zone, with a siltation barrier set at least 27 feet from the wetland as the limit of work. The proposed home will be about 32 feet from the wetland at the northwest corner. Grading will be within 43 feet, and the septic tank will be 80 feet, from the BVW. The leaching field will be approximately 92 feet from the wetland. The work as presented should not negatively impact the BVW, and the steep, rising slope to the south should prevent any issues to the neighboring property. MR recommends that the TCC approve this project and issue an order of conditions to include the attached special conditions. MR also recommends that the commission approve the delineation as follows: flags 1 WH – 28 WH. Brad Fitzgerald present. RC cellar floor elevation? 61.5. RC erosion control barrier using? Filter mitts is what it calls for, RC agree? Brad said its continuous like wattle and staked in, embedded to prevent anything going underneath. Motion to approve with conditions 1, 2, 3, 4, 5, 8, 16, 17, 19, 21, 24, 25, 26, and 27, DB, second RC, so voted. Abutter Lee Wayland 877 S. Precinct Street. Issues with septic, doesn't want drainage on her property. Drainage goes through her property not septic Brad stated. And they are not anywhere near that. She has a concern with a drain pipe that discharges water, she was hoping this would correct it. It goes from their side, under road to her side. Brad stated they are not doing any work anywhere near it.

- 55 Joshua Lane, Morrow, (NOI), SE73-2613 Present Jason Morrow homeowner and Paul Flannigan Aaron Pools. In-ground pool within the buffer zone. 4 foot patio towards wetland, it's an apron, same height as the patio with pavers for more water flow. Bottom of pool below groundwater. They are building a dewatering basin with haybales with a pump that will run the whole time he's there, needs to so he can work in it. 86 elevation is proposed. The edge of the patio is 6 feet from the edge of the buffer line-grade, wall? Morrow said they could move the pool further away from the wetlands. RC would like a vote of a positive determination, file an NOI with detailed plan, an actual engineered plan, this is too close to the wetlands and work is considerable. ST due to groundwater? Yes and lots of work involved. Excavation is going to be 8 feet deep? Yes 8 feet. Need to know pool elevation and pool equipment location. Located away and would used whatever filter TCC requests. Motion to deny, have them file an NOI with an engineered plan, RC, second DB. Vote taken For 4, Opposed 2, 4-2 motion to deny passes. ST could you move the pool? Yes could move it at least 6 feet from the wetland. RC need current wetlands line. MR it is a pretty defined drop. ST this is the plan of record. LF how long would it take to get an engineer, etc? No idea. DB how would they come in to work? It is shown. DB taking dirt out where? Take it away in a truck off site. Material left to back fill away from the wetland.

Public Hearing

- 101 Prince Henry Drive, Lopes, (ANRAD), SE73-2617 Field report states that this filing is for approval of resource area delineations at the above address. The site includes a perennial stream, bank, BVW, and an intermittent stream. The delineation was done by Tunison Dias Inc. on 1/16/15. They were field located by Green Seal Environmental on 1/23/15, and consist of three flag series B, C, and D. The perennial stream crosses under the railroad tracks on the east side of the driveway into the site and runs along the southern property line. Series B-1 to B-12 delineates the stream in the eastern portion and Series B-100 to B-120 delineate the stream along the eastern property line. Series C-1 to C-7 delineates a wetland located along the perennial stream and railroad bed in the east. There is a BVW associated with the stream on an adjacent property to the south and was not flagged as the perennial stream's buffer zone covers and protects this resource area. Series D-1 to D-8 delineates the bank of an intermittent stream and associated wetland along the northern and western property lines and meets the perennial stream off site to the south of the property. MR walked the property with Gil Lopes and Whitney Hall after the MEPA meeting on 6/3/15. MR is in agreement with the placement of the flags and recommends that the TCC approve the delineation as depicted on the plan titled "Abbreviated Notice of Resource Area Delineation" and dated 4/21/15. Whitney Hall from Green Seal Env present. Motion to issue an ORAD, DB, second MI, so voted.

Violations

- 391 Winthrop Street, Brennan. Address change, did not get letter, did called MR. Trash was from renters, he is the owner. Did clean it up. Motion to close the violation, RC, second DB, so voted.

- 1601 Bay Street, Melo. Carlos Melo, Sabattia Landing LLC deeded over to them. Immediately took care of the violations. MR only issue was burying wood waste onsite. It needs to be taken off site and filled back in normally. It will decompose and cause a sink hole. Take care of this and let MR know. Motion to continue violation, MR will monitor it, update at next meeting, call MR when out there, RC, second DB, so voted.
- 152 Winthrop Street. Luis and Toti DaPonte homeowners present. They live close to Cobb Brook, MR will advise and sent paperwork. Discussion was on their property and when they were constructed. One question was regarding a wall done 3 years ago, they did not come before TCC because they did not know. MR was told by Toti she can come out and walk the property. DB asked if they hand pick the weeds growing up out of the brook? Yes they do it once every 3 weeks. Motion to remove violation, have them file an NOI, go to building department for permit, work with MR, DB, second RC, so voted. Abutters: Juanita Gallagher 145 Winthrop Street. DPW said Cobb Brook will be opened up. She has As-Builts on properties. DB asked if she has book and page, can she give them a copy of the deed? Juanita said she will give it to TCC. ST told them just do what TCC has asked you to, he doesn't want to get them involved in this right now.
- 54 Downing Drive. Raised lawn, cleaned land within 3 feet on one side and other side 1 foot. Why? Wants a level yard and wants to put in above ground pool and shed. Removed yard waste and brush. DB can you raise? Yes as long as it doesn't off set the Db, next meeting. The plan is to take out current shed and replace with larger one, pool will be up by house with deck. Shed torn down, July pool, deck, new shed all proposed. Yard width 85 feet. Off foundation 25 feet, about 40 feet of loam. Motion to remove the violation? DB, second RC, so voted.

Other Business

- Tighe & Bond-additional fund.
- Approval of using filing fees account to pay MACC membership dues and online handbook. Total \$585.00. Motion to approve, DB, second MI, so voted.
- Boyden Issues. Cars in and out all hours. ST spoke with Marilyn, TPD will now be locking and unlocking gate.
- Conflict of Interest. RC anyone on TCC cannot represent someone filing with TCC. Cannot stamp, cannot vote on plans, and cannot present. If NK had a worker prepare and stamp and present it is fine but he cannot sit on a meeting, present, stamp or vote. ST would like information from MR on this. He would like clarification on it. RC says cannot speak for client, DB and ST disagree. MI said can as a private citizen. Definitely need clarification

Motion to adjourn, DB, second RC, so voted. Meeting ended at 9:20pm